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RECLAMATION DISTRICT NO. 108 and  
9 TEHAMA-COLUSA CANAL AUTHORITY, et  
al.

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18 Attorneys for Intervenor-Defendants GLENN-  
COLUSA IRRIGATION DISTRICT, et al.

19 UNITED STATES DISTRICT COURT

20 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

21  
22  
23 THE CALIFORNIA NATURAL  
RESOURCES AGENCY, et al.,

24 Plaintiffs,

25 v.

26 WILBUR ROSS, et al.,

27 Defendants.  
28

Case No. 1:20-cv-00426-DAD-SKO

**STIPULATION AND ORDER  
REGARDING INTERVENTION**

1 This stipulation is entered into by Plaintiff California Natural Resources Agency,  
 2 California Environmental Protection Agency, and People of the State of California by and through  
 3 California Attorney General Xavier Becerra (“Plaintiffs”); Defendants Wilbur Ross, in his official  
 4 capacity as Secretary of Commerce; Chris Oliver, in his official capacity as Assistant  
 5 Administrator for Fisheries at the National Oceanic and Atmospheric Administration; National  
 6 Marine Fisheries Service; David Bernhardt, in his official capacity as Secretary of Interior; Aurelia  
 7 Skipwith, in her official capacity as Director of the U.S. Fish and Wildlife Service; U.S. Fish and  
 8 Wildlife Service; Brenda Burman, in her official capacity as commissioner of Reclamation; and  
 9 U.S. Bureau of Reclamation (“Federal Defendants”); the Sacramento River Settlement Contractors  
 10 (“SRS Contractors”)<sup>1</sup> and the Tehama-Colusa Canal Authority (“TCCA”) (collectively  
 11 “Sacramento River Intervenors”). Plaintiffs, Federal Defendants, and the Sacramento River  
 12 Intervenors are collectively referred to hereinafter as the “Parties.”

### 13 RECITALS

14 WHEREAS, Plaintiffs filed the instant action naming only Federal Defendants as  
 15 defendants. ECF No. 1.

16 WHEREAS, the San Luis & Delta-Mendota Water Authority and Westlands Water District  
 17 (“SLDMWA/WWD”) moved to intervene on several grounds, including that SLDMWA, as the  
 18 representative of twenty-five member agencies, had an interest in the outcome of this litigation.  
 19 ECF No. 13, at 1. The SLDMWA is a joint powers authority that serves the common interests of  
 20 twenty-eight member agencies. *Id.* at 4. Twenty-five of SLDMWA’s members, including WWD,  
 21 have a contract with the United States Bureau of Reclamation (“Reclamation”) for water supply  
 22

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23 <sup>1</sup> The SRS Contractors constitute the following parties: Reclamation District No. 108; Sutter  
 24 Mutual Water Company; Natomas Central Mutual Water Company; River Garden Farms Water  
 25 Company; Pleasant Grove-Verona Mutual Water Company; Pelger Mutual Water Company;  
 26 Meridian Farms Water Company; Henry D. Richter, et al.; Howald Farms, Inc.; Oji Brothers  
 27 Farm, Inc.; Oji Family Partnership; Carter Mutual Water Company; Windswept Land and  
 28 Livestock Company; Maxwell Irrigation District; Beverly F. Andreotti, et al.; Tisdale Irrigation  
 and Drainage Company; Princeton-Codora-Glenn Irrigation District; and Provident Irrigation  
 District; Glenn-Colusa Irrigation District; Reclamation District No. 1004; Anderson-Cottonwood  
 Irrigation District; David and Alice teVelde Family Trust; Pelger Road 1700, LLC, Conaway  
 Preservation Group, LLC, City of Redding; and Knights Landing Investors, LLC.

that is stored, pumped, and conveyed by the Central Valley Project (“CVP”). *Id.* at 4–5. Plaintiffs filed a notice of non-opposition to SLDMWA/WWD’s motion to intervene on the ground that permissive intervention “is likely appropriate in this case.” ECF No. 37, at 1–2.

WHEREAS, State Water Contractors (“SWC”) moved to intervene on the ground that SWC has an interest in this litigation because the litigation directly threatens the interest of SWC. ECF No. 24 at 2. SWC is a non-profit corporation that represents 27 private water agencies that fund the construction, operation, and maintenance of the State Water Project and provide water to millions of Californians. ECF No. 24 at 1–2. Plaintiffs filed a notice of non-opposition to SWC’s motion to intervene on the ground that permissive intervention “is likely appropriate in this case.” ECF No. 38, at 1.

WHEREAS, the Friant Water Authority (“FWA”) and Arvin-Edison Water Storage District (“Arvin-Edison”) (collectively “Friant Intervenors”) moved to intervene on the ground that they have an interest in this litigation. ECF No. 40 at 1–2. FWA is a public agency that operates the Friant-Kern Canal on behalf of its seventeen member agencies. ECF No. 40 at 3. FWA’s members, including Arvin-Edison, hold contracts with Reclamation for water supply from the CVP. *Id.*

WHEREAS, the SRS Contractors consist of a number of entities that have contracts with Reclamation related to the supply of water diverted by the SRS Contractors from the Sacramento River and its tributaries.

WHEREAS, TCCA is a joint powers authority that serves the interest of seventeen member agencies, all of whom have contracts with Reclamation for water supply that is stored, pumped, and conveyed by the CVP. Those contracts are authorized pursuant to the same federal statutory authorization as the contracts between Reclamation and the member agencies of SLDMWA and FWA.

WHEREAS, to avoid the necessity of briefing on a motion for the Sacramento River Intervenors to intervene, the similarity of the grounds upon which the Sacramento River Intervenors seek intervention to the grounds asserted by other parties seeking intervention, and Plaintiffs’ non-opposition to permissive intervention on the grounds cited for intervention, the

1 Parties agree that the Sacramento River Intervenors should be granted leave to permissively  
2 intervene in this case.

3 NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their  
4 respective counsel, as follows:

5 1. The Sacramento River Intervenors shall be granted permissive intervention in this  
6 action.

7 2. The Sacramento River Intervenors shall be permitted to promptly file their answers  
8 in intervention to Plaintiffs' Complaint.

9 3. The Sacramento River Intervenors agree to make a good-faith effort to avoid the  
10 duplication of any arguments made by Federal Defendants on substantive issues raised in this  
11 matter, to the extent that Federal Defendants are making the same point in their arguments and are  
12 not merely covering the same subject matter relevant to the issues before the Court.

13 4. Plaintiffs and the Sacramento River Intervenors agree to meet and confer on the  
14 need for any proposed page limitations on briefing by the Sacramento River Intervenors in this  
15 action. Plaintiffs and the Sacramento River Intervenors reserve the right to seek or oppose  
16 additional limitations on the length of briefs in the event Plaintiffs and the Sacramento River  
17 Intervenors are unable to reach an agreement on page limits.

SOMACH SIMMONS & DUNN  
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DOWNEY BRAND LLP

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DOWNEY BRAND LLP

1 DATED: April 16, 2020

DOWNEY BRAND LLP

3 By: /s/ Meredith E. Nikkel

4 MEREDITH E. NIKKEL

5 Attorneys for Proposed Defendants-Intervenors  
6 RECLAMATION DISTRICT NO. 108, SUTTER  
7 MUTUAL WATER COMPANY; NATOMAS  
8 CENTRAL MUTUAL WATER COMPANY;  
9 RIVER GARDEN FARMS WATER COMPANY;  
10 PLEASANT GROVE-VERONA MUTUAL  
11 WATER COMPANY; PELGER MUTUAL  
12 WATER COMPANY; MERIDIAN FARMS  
13 WATER COMPANY; HENRY D. RICHTER, et  
14 al.; HOWALD FARMS, INC.; OJI BROTHERS  
15 FARM, INC.; OJI FAMILY PARTNERSHIP;  
16 CARTER MUTUAL WATER COMPANY;  
17 WINDSWEPT LAND AND LIVESTOCK  
18 COMPANY; MAXWELL IRRIGATION  
19 DISTRICT; BEVERLY F. ANDREOTTI, et al.;  
20 TISDALE IRRIGATION AND DRAINAGE  
21 COMPANY; PROVIDENT IRRIGATION  
22 DISTRICT; PRINCETON-CODORA-GLENN  
23 IRRIGATION DISTRICT and TEHAMA-  
24 COLUSA CANAL AUTHORITY

17 DATED: April 16, 2020

SOMACH SIMMONS & DUNN

20 By: /s/ Jared Mueller

21 JARED MUELLER

22 Attorneys for Defendants-Intervenors GLENN-  
23 COLUSA IRRIGATION DISTRICT;  
24 RECLAMATION DISTRICT NO. 104;  
25 CONAWAY PRESERVATION GROUP, LLC;  
26 DAVID AND ALICE te VELDE FAMILY  
27 TRUST; PELGER ROAD 1700, LLC;  
28 ANDERSON-COTTONWOOD IRRIGATION  
DISTRICT; CITY OF REDDING; and KNIGHTS  
LANDING INVESTORS, LLC

SOMACH SIMMONS & DUNN  
A Professional Corporation

DOWNEY BRAND LLP

1 DATED: April 16, 2020 April 17, 2020 XAVIER BECERRA  
2 Attorney General of California  
3 TRACY L. WINSOR  
4 Supervising Deputy Attorney General

5 By: /s/ Daniel Fuchs  
6 DANIEL FUCHS  
7 Attorneys for Plaintiffs CALIFORNIA  
8 NATURAL RESOURCES AGENCY and People  
of the State of California by and through Attorney  
General Xavier Becerra

9 DATED: April 16, 2020 U.S. DEPARTMENT OF JUSTICE ENVIRONMENT  
10 & NATURAL RESOURCES DIVISION WILDLIFE  
11 & MARINE RESOURCES SECTION

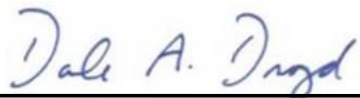
12 By: /s/Nicole M. Smith  
13 NICOLE M. SMITH  
14 Attorneys for Federal Defendants

15  
16 ORDER

17 Pursuant to the Parties' Stipulation, the Court hereby grants Sacramento River Intervenors  
18 intervention pursuant to the terms of the Stipulation.

19  
20 IT IS SO ORDERED.

21 Dated: April 17, 2020

22   
23 UNITED STATES DISTRICT JUDGE  
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